

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

SHANTA LYNETTE BROWN, et al.,

Plaintiffs,

v.

Case No. 6:23cv00054

THE CITY OF LYNCHBURG, et al.,

Defendants.

DEPOSITION OF SETH REED

October 29, 2024

12:09 p.m. - 1:06 p.m.

Lynchburg, Virginia

REPORTED BY: Kimberly A. Henderson, RPR

Deposition of SETH REED, taken and transcribed
on behalf of the Defendants, pursuant to notice
and/or agreement to take depositions; by and before
Kimberly A. Henderson, a Registered Professional
Reporter and Notary Public in and for the
Commonwealth of Virginia at Large; commencing at
12:09 p.m., October 29, 2024, at the offices of the
Lynchburg City Attorney, 900 Church Street,
Lynchburg, Virginia.

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I N D E X

WITNESS

PAGE

SETH REED

Examination by Mr. Valois

4

1 (12:09 p.m., October 29, 2024)

2
3 SETH REED

4 was sworn and testified as follows:

5 E X A M I N A T I O N

6 BY MR. VALOIS:

7 Q. Can you state your name, sir?

8 A. Seth Reed.

9 Q. All right. And you're Officer Seth
10 Reed of the Lynchburg Police Department?

11 A. Yes.

12 Q. All right. And you're here for a
13 deposition?

14 A. Yes.

15 Q. And you've given at least one
16 deposition before? We've had one before; right?

17 A. Yes.

18 Q. All right. I won't give you the
19 whole spiel, but if for any reason you need a
20 break, just let me know.

21 A. Okay.

22 Q. Be happy to accommodate that. All
23 right. We have to record this, so let's try not to
24 talk over each other. I'm guilty of it, too, but
25 it makes it hard on the court reporter. So if I

1 could -- if you could wait until I finish asking my
2 question. I will try and wait until you finish
3 answering a question, just to make her job easier,
4 because she has to put this down in a transcript.
5 Okay?

6 A. Okay.

7 Q. Everything you testify here under
8 oath is subject to perjury, just like in court.

9 You understand that; correct?

10 A. Yes.

11 Q. You're able to testify today?

12 A. Yes.

13 Q. I see that you're injured, you have a
14 broken arm?

15 A. Yes.

16 Q. Are you under any medication, or
17 anything that would prevent you from being able to
18 testify accurately?

19 A. No.

20 Q. What have you done to prepare for
21 your testimony today?

22 A. I read a report, my report, and the
23 initial report, and then I watched body camera,
24 in-car camera footage.

25 Q. Did you discuss your testimony with

1 anyone who is not an attorney?

2 A. No.

3 Q. You may hear objections from your
4 counsel.

5 Do you understand that unless your
6 counsel instructs you not to answer that you can
7 still answer despite the objection?

8 A. Yes.

9 Q. All right. We've done this in a
10 previous deposition, but unfortunately we have to
11 do it in every deposition.

12 Can you tell us about your high
13 school, or your background, let's say, starting in
14 where you went to high school, where you lived at
15 the time, and then just move forward?

16 A. I lived in New York State starting
17 high school. I transferred high schools to LCA
18 down here in Lynchburg. After LCA, or Liberty
19 Christian Academy, I attended Liberty University.
20 I graduated with my bachelor's degree at Liberty
21 University.

22 Q. All right. And can you tell me about
23 your job history, starting from your first job,
24 moving forward?

25 A. How young? I started working when I

1 was like a child, ckck want raking leaves or like
2 real employment?

3 Q. Let's start with a W2 actual job job.

4 A. Started working in food service in
5 New York State. I don't recall exactly how old I
6 was, continued working in food service right
7 through college. That was my primary form of
8 employment. Just odds and end jobs here and there.
9 2015, I was accepted to the Virginia Beach Police
10 Department.

11 That's where I started my law
12 enforcement career, was in the City of Virginia
13 Beach, attended the police academy there. I
14 graduated the academy 2015. I worked there until
15 roughly April of 2017, then I transferred here to
16 Lynchburg Police Department, where I'm currently
17 employed.

18 Q. And what is your current position?

19 A. I work in field ops. I am assigned
20 to the K9 unit.

21 Q. What is your rank?

22 A. I'm a POIII.

23 Q. And is that the highest level patrol
24 officer?

25 A. Yes.

1 Q. Have you been subject to any
2 disciplinary proceedings either in any of your
3 former employment?

4 A. No.

5 Q. Have you received any counseling from
6 any of your employers for violations of policy?

7 A. We've had -- I've had, currently here
8 in Lynchburg, I've had, they call it a policy
9 training review, where they review, a supervisor
10 sits down and reviews, or re-reviews, a policy with
11 you.

12 Q. How many of those have you had?

13 A. I'm not sure. Just a handful, a
14 couple.

15 Q. What was the most recent one?

16 A. I'm not sure. It hasn't been
17 anything recent.

18 Q. Anything related to the incident
19 involving Shanta Brown or Aquasha Brown?

20 A. No, I did not have anything.

21 Q. All right. Moving forward to the
22 incident, we're talking about an incident that
23 occurred in April of 2020.

24 You familiar with that incident?

25 A. Yes.

1 Q. And that's the body cam and the
2 police reports that you reviewed?

3 A. Correct.

4 Q. All right. Now, you were -- you
5 didn't make the initial traffic stop?

6 A. Correct.

7 Q. At that time you were a K9 officer?

8 A. Yes.

9 Q. And your dog was Knox; is that right?

10 A. Correct.

11 Q. And Knox is trained in, I guess,
12 narcotics detection?

13 A. Yes.

14 Q. And so you were called to the scene
15 of a traffic stop; is that correct?

16 A. Yes.

17 Q. Who called you?

18 A. Based off my recollection, I believe
19 Officer Miller called me.

20 Q. Okay. We have two Officer Millers
21 involved in this incident?

22 A. Zach Miller.

23 Q. Zach Miller; and how did he call you?

24 A. I believe over the radio.

25 Q. And your radio, is it multi-channel?

1 A. Yes.

2 Q. And would he have called you over the
3 main channel?

4 A. I can't say whether or not, which
5 channel. Typically they call me over Channel 1.

6 Q. All right. And was that to ask you
7 to respond to his scene?

8 A. Yes.

9 Q. And what was your purpose in
10 responding?

11 A. To conduct an open-air sniff around
12 the exterior of the vehicle.

13 Q. All right. And what is an open-air
14 sniff?

15 A. Where the K9, you run the K9 around
16 the exterior of the vehicle. And the K9, based off
17 an alert or no alert, will advise me, or I read his
18 behavior whether or not there's a presence or odor
19 of narcotics coming from the vehicle.

20 Q. Do you open the doors or windows
21 before you conduct this free-air search?

22 A. No.

23 Q. Do you order occupants out of a
24 vehicle?

25 A. Yes.

1 Q. Does that involve opening the door to
2 get them out of the vehicle?

3 A. Yes. They have to open the door to
4 exit the vehicle.

5 Q. And then you can -- after that, do
6 you leave the door open or do you shut the door?

7 A. I close the door.

8 Q. And leaving the door -- how soon
9 after you open the door and get them out do you
10 begin conducting this free-air search?

11 A. Typically, I close the door after the
12 occupants exit. Then I would walk back, retrieve
13 my K9 once when the occupants are out of the
14 vehicle, and then I would conduct an open-air sniff
15 around the exterior of the vehicle once the
16 occupants are out.

17 Q. All right. And the occupants would
18 be outside standing near the vehicle at this
19 point?

20 A. I typically do not have them near the
21 vehicle. I have them -- whenever possible, I'll
22 have them standing with another officer so I don't
23 have to worry about the occupants, I can just focus
24 on my K9.

25 Q. All right. And in this particular

1 case, when you rolled up on the scene, already
2 present were Officer Zachary Miller and Officer
3 Grooms, former Officer Grooms?

4 A. Correct.

5 Q. Right. And you, when you got there,
6 you first contacted Officer Miller, and he told you
7 that consent had been denied; right?

8 A. Yes.

9 Q. And consent had been denied and that
10 you were going to conduct this search, this
11 free-air sniff of this vehicle; right?

12 A. Correct.

13 Q. All right. Do you know why, why you
14 would ask for consent to a search prior to
15 conducting a free-air sniff, in practice?

16 A. It's just the practice of the police
17 department, how we were trained.

18 Q. And when you got there, you were
19 informed that the -- what was your reason, or what
20 reason was given to you for the detention there,
21 the traffic stop?

22 A. I don't recall like off of memory. I
23 recall based off of reading reports, if that's what
24 you're asking.

25 Q. Well, yeah, I mean, why was -- what

1 was the basis of the stop?

2 A. Based off of reading Officer Miller's
3 report, the primary infraction was no front tag, no
4 front license plate.

5 Q. But you didn't know that when you got
6 there at the time?

7 A. I can't -- I don't know what my
8 information was. I can't testify to that.

9 Q. And so is it policy to get everybody
10 out of the car every time a free-air sniff is
11 conducted?

12 A. That's how we were trained, yes.

13 Q. Is it policy to bring a drug dog to
14 every traffic stop?

15 A. No.

16 Q. What's the criteria for calling you
17 to come for a traffic stop?

18 A. Based off of what the officer is
19 encountering with the traffic stop.

20 Q. Well, what kind of factors go into
21 that decision?

22 A. If the potential suspect, or
23 occupants in the vehicle, are criminal gang
24 members, if they have drug history, a violent
25 history involving drugs are some of the factors

1 officers will call me to the scene to conduct
2 open-air sniff.

3 Q. Any drug history?

4 A. I don't recall looking at his
5 transcript prior to getting there.

6 Q. Well, I mean, if you have a -- if
7 someone's pulled over, say, coming home from work,
8 and they have a two-year-old possession of
9 marijuana ticket, a conviction for possession of
10 marijuana, would that be the basis to call in a
11 drug dog?

12 A. I can't say what other officers are
13 going to call in drug dogs for. I'm there to
14 assist other officers within the department.

15 Q. So you're responding to -- you don't
16 have any participation in determining whether
17 there's a reasonable and articulable basis for the
18 detention; right? Your job is just to run the dog
19 around the car; right?

20 A. Correct.

21 Q. All right. And so when you got there
22 on the 28th, Terron Pannell was in the driver's
23 seat of a vehicle that Miller had stopped for a tag
24 violation; right?

25 A. Yes.

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1 Q. But what you later found out, you
2 didn't know this then, but you later found out to
3 be a tag violation?

4 A. Yes. Correct.

5 Q. Right. And then you went to the door
6 and informed him that you were going to be running
7 a free-air sniff and to get out of the vehicle;
8 right?

9 A. Correct.

10 Q. And he refused?

11 A. Correct.

12 Q. Right. And so as he's doing this,
13 Shanta Brown, who is this kid's mother, comes out
14 of the building; right?

15 A. I believe she was already out of the
16 building.

17 Q. Was she there when you got there?

18 A. I believe she was standing at the
19 front of the vehicle when I arrived.

20 Q. Okay. So she starts squawking about
21 how what you're doing is illegal; right? Fair
22 characterization of what she's saying?

23 A. Correct. I don't recall exactly what
24 she said.

25 Q. But she's not happy with what's going

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1 on?

2 A. Correct.

3 Q. Right. And so she gets redirected to
4 another area. She's been told to stop standing in
5 front of that car and go stand to an area closer to
6 the door to the apartment building.

7 You remember that happening?

8 A. That's where I pointed, yes.

9 Q. Okay. And she did that?

10 A. I don't recall if she stood over
11 there or not.

12 Q. All right. So then the kid, or I say
13 the kid, Terron Pannell, refused to get out of the
14 car, and then eventually you had to drag him out of
15 the car; right?

16 A. We had to physically place hands on
17 him to pull him out of the car, yes.

18 Q. All right. You, when I say "you,"
19 you and Zachary Miller did this?

20 A. Yes.

21 Q. Right. And you got him out of the
22 car?

23 A. Correct.

24 Q. Right. And he was placed in
25 handcuffs? Well, he was taken to the ground at

1 this -- this location, he's in a car in a parking
2 lot in a marked parking space; right?

3 A. Yes.

4 Q. And there's another car right next to
5 him?

6 A. Correct.

7 Q. Right. And you're in that slot in
8 between the driver's side of the car Pannell was
9 driving and the passenger side of another car that
10 was parked to the left of him?

11 A. Yes.

12 Q. Right. And that's where this
13 occurred, that's where you're pulling him into that
14 area; right?

15 A. Correct.

16 Q. You and Miller, you and Zachary
17 Miller, managed to pull him out of the car. He's
18 on the ground for a brief period. He's handcuffed,
19 and then he's stood up and put, placed on the
20 sidewalk; right?

21 A. We walked him back to the -- Zachary
22 Miller's police car.

23 Q. Well, eventually, but at least for a
24 few moments, he's standing on the sidewalk; right?

25 A. I don't remember if he's standing on

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1 the sidewalk or not. You're talking about the
2 driver?

3 Q. The driver; right?

4 A. I don't -- I believe, when we stood
5 him up, and this is off of memory, after we stood
6 him up, we walked him back to Zachary Miller's
7 police car.

8 Q. Immediately?

9 A. I don't know what the time frame was.

10 Q. All right. And so you get him back
11 to the car, you put him up against the car, and you
12 start to search him; right?

13 A. Officer Miller attempts to search
14 him.

15 Q. All right. Is he under arrest at
16 this point?

17 A. I don't believe that Officer Miller
18 had told him he was under arrest.

19 Q. Had you placed him under arrest?

20 A. I had not.

21 Q. All right. And so he's being
22 detained?

23 A. Correct.

24 Q. All right. Still, again, for the
25 purpose of running this drug dog; right? I mean,

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1 that's the purpose, that's what you're there for,
2 is to run the drug dog around the car?

3 A. That's what I was initially there
4 for, yes.

5 Q. All right. But at this point, he's
6 detained, he's placed back into the -- you have him
7 at the car, you begin to search him; right? Do you
8 search him?

9 A. I don't recall if I searched him or
10 if Officer Miller searched him.

11 Q. What's the purpose of the search?

12 A. Search incident to arrest.

13 Q. But you just said he wasn't arrested?

14 A. That's what I told --

15 Q. You just said he was detained. I
16 just asked you if he was arrested?

17 A. I had not placed him under arrest.

18 Q. Right. So what's -- so it couldn't
19 have been search incident to arrest.

20 He hadn't been arrested, so why is he
21 being searched?

22 A. I can't answer that question. I
23 don't know.

24 Q. Well, you searched him, you see you
25 searching him on the video; right?

1 MR. FITZGERALD: Object to form. You
2 may answer.

3 BY MR. VALOIS:

4 Q. You're participating in the search on
5 the video; right?

6 A. If that's what's on the video.

7 Q. Well, you -- do you remember
8 searching him?

9 A. I don't remember searching him, no. I
10 remember he was at the -- he was at the car with
11 Officer Miller, and I don't remember if I was
12 physically searching him or if Officer Miller was
13 searching.

14 Q. But he was being searched?

15 A. Correct.

16 Q. And you were helping to accomplish
17 that?

18 A. Yes. I had physical control of him.

19 Q. Right. So what was it -- I mean, he
20 didn't consent to a search?

21 A. Correct.

22 Q. You didn't have a warrant to search
23 him; right?

24 A. Correct.

25 Q. And he didn't -- he wasn't being

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1 arrested, you already testified to that; right?

2 A. We hadn't told him that he was under
3 arrest.

4 Q. Right. So you just said you hadn't
5 placed him under arrest?

6 A. Correct.

7 Q. Right. And so you don't know
8 that -- you don't know that Zachary Miller had
9 placed him under arrest; right?

10 A. Correct.

11 Q. So the question -- and you can't say,
12 you can't say what the purpose was for searching
13 him, then?

14 MR. FITZGERALD: Object to form. You
15 may answer.

16 THE WITNESS: To bring him to jail at
17 that point. He was under arrest. We just had not
18 physically told him he was under arrest.

19 BY MR. VALOIS:

20 Q. Oh, whoa, whoa, whoa. Well, now
21 we're changing our testimony here.

22 So he was under arrest?

23 MR. FITZGERALD: Object to form. You
24 may answer.

25 THE WITNESS: We were going to be

1 bringing him to jail at that point.

2 BY MR. VALOIS:

3 Q. For what?

4 A. Obstruction.

5 Q. Obstruction of justice?

6 A. Yes.

7 Q. So he was under arrest for
8 obstruction?

9 MR. FITZGERALD: Object to form. You
10 may answer.

11 THE WITNESS: Yes.

12 BY MR. VALOIS:

13 Q. All right. And so then you're
14 searching him incident to an arrest, and he was
15 legally under arrest at that time?

16 A. Yes.

17 Q. And the obstruction of justice was he
18 wouldn't get out of the car?

19 A. Correct.

20 Q. All right. Why would he have to get
21 out of the car?

22 A. So we could conduct an open-air sniff
23 around the exterior of the vehicle.

24 Q. Okay. What gives you the right to
25 make people randomly get out of their cars so that

1 you can conduct a -- how does that jive with the
2 Fourth Amendment, that you get to walk up to
3 somebody in the parking lot and say get out of your
4 car, I want to conduct a free-air sniff of your
5 car?

6 A. Because of officer safety.

7 Q. You can do that to anybody?

8 MR. FITZGERALD: Object to form.

9 BY MR. VALOIS:

10 Q. You can walk up to Thomas Road
11 Baptist Church, to a lady sitting in her car, and
12 say, Ma'am, I want to conduct a free-air sniff of
13 your car and get out of your car, and she's got to
14 get out of her car?

15 MR. FITZGERALD: Object to form.

16 BY MR. VALOIS:

17 Q. Is that your belief? You think you
18 got -- do you think you have the power to do that?

19 MR. FITZGERALD: Object to form.

20 BY MR. VALOIS:

21 Q. You can answer the question.

22 A. So the vehicle was lawfully detained.

23 Q. How do you know? You didn't know why
24 it was detained. I asked you that. You hadn't
25 communicated. You had no idea. You said you

1 didn't know what the basis for the detention was
2 when you got there. I asked you specifically that
3 question. You said you didn't know whether or not
4 it had been lawfully detained or not.

5 A. I didn't know the reason for the --

6 MR. FITZGERALD: Let him ask a
7 question, because he hasn't asked a question yet.

8 BY MR. VALOIS:

9 Q. Yeah, that's what you testified to.
10 I asked you that, I think, three times, and you
11 said no, you didn't know then, that you found later
12 on the police report.

13 My question to you is when you roll
14 up on a scene and you see somebody in a car, you
15 don't know what's going on, is it your opinion that
16 you can just say I want to run my dog around your
17 car, therefore you must get out of your car? I
18 mean, do you think that's how America works?

19 MR. FITZGERALD: Object to form.

20 BY MR. VALOIS:

21 Q. Do you think that's what the
22 Constitution allows you to do?

23 MR. FITZGERALD: Object to form. You
24 can answer.

25 BY MR. VALOIS:

1 Q. Yeah, I need you to answer.

2 A. As long as a vehicle is lawfully
3 detained, we can ask the occupants to step out of
4 the vehicle to conduct an open-air sniff.

5 Q. Okay. What steps did you take to
6 make sure that this vehicle had been lawfully
7 detained when you got there?

8 A. I don't recall exactly what our
9 conversation was, Zachary Miller and I.

10 Q. So you said before you didn't know,
11 you didn't know why it had been stopped.

12 How do you know it had been lawfully
13 detained? I need an answer. I mean, we're going
14 to go until 4:00 if we have these continued -- I
15 need you to answer the questions when I ask them.
16 These empty pauses really don't help.

17 MR. FITZGERALD: He's entitled to
18 pause. He's entitled to pause.

19 MR. VALOIS: Reasonably, but we can't
20 wait here until 5:00.

21 MR. FITZGERALD: That was like two
22 seconds.

23 THE WITNESS: I had no reason to
24 believe that the vehicle was unlawfully detained.

25 BY MR. VALOIS:

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1 Q. So your presumption is that every
2 detention is lawful, you just assume that?

3 MR. FITZGERALD: Object to form.

4 BY MR. VALOIS:

5 Q. When you bring your -- that's your
6 assumption, your working assumption?

7 A. Is that I believe that the vehicle is
8 lawfully detained when I arrive.

9 Q. Yes?

10 A. Yes.

11 Q. Okay. All right. And so it was on
12 that basis, then, that you showed up with a dog to
13 conduct this free-air sniff. So you get the kid
14 out of the car.

15 How tall are you?

16 A. Five-ten.

17 Q. How much do you weigh? How much did
18 you weigh then?

19 A. Approximately 200, 200-plus.

20 Q. And you work out?

21 A. I used to.

22 Q. And you've had training in
23 hand-to-hand operations, I assume, and takedowns
24 and things, martial arts training, I assume; right?

25 A. I've had training at the police

1 academy.

2 Q. Yeah. And Zach Brown's a big guy, I
3 mean, Zach Miller's a big guy; right?

4 A. Yes.

5 Q. He's a big guy too. There's two of
6 you there.

7 How big is this kid, this 18-year-old
8 young man that you've taken out of the car? He's
9 what, five-six, something like that?

10 A. I don't recall exactly his height.

11 Q. All right. So you got him out of the
12 car. He's in handcuffs. You're searching him,
13 because -- we don't know why at this point; right?
14 I mean, you said he was under -- now you're saying
15 he was under arrest, he just didn't know it?

16 A. He was under arrest for obstruction.

17 Q. Okay. And so when you previously
18 testified that he wasn't under arrest, you were
19 wrong?

20 MR. FITZGERALD: Objection.

21 BY MR. VALOIS:

22 Q. When I previously asked you in this
23 deposition whether or not he was under arrest, and
24 you said he was not, that you had not placed him
25 under arrest and he was not under arrest, you had

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1 not done it, that was wrong? He was under arrest,
2 you just had not informed him of that?

3 A. The subject was under arrest.

4 Q. And you had not informed him of that?

5 A. Correct.

6 Q. Okay. So he's under arrest, but he's
7 not notified he's under arrest? There's no warrant
8 of arrest at this point; right?

9 A. Correct.

10 Q. All right. He's taken over to the
11 car and he's searched.

12 Is he notified that he's being
13 searched?

14 A. I don't recall if we notified him he
15 was being searched.

16 Q. Did you ask him for consent to
17 search?

18 A. No.

19 Q. Okay. So he obvious -- he resists
20 being searched, it's fair to say; right?

21 A. Correct.

22 Q. His legs are being kicked and
23 somebody kicks apart his legs in the video.

24 Do you know who did that?

25 A. I don't.

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1 Q. And at that point, he's taken to the
2 ground.

3 Who directed that this young man be
4 taken to the ground?

5 A. Well, I had control of his upper
6 body. Officer Miller had control of his lower
7 body.

8 Q. Well, who made the decision to take
9 him to the ground? I mean, this isn't -- this is a
10 tactical maneuver; right?

11 A. No.

12 Q. Is it an accident? Did he end up on
13 the ground by accident?

14 A. No.

15 Q. So it's a maneuver?

16 A. Correct. We placed him on the
17 ground.

18 Q. Who made the decision to do that?

19 A. I don't recall.

20 Q. Well, didn't you recall testifying at
21 the jury trial we had with Shanta that you made
22 that decision?

23 A. I don't recall who made the decision.

24 Q. Do you recall testifying at the jury
25 trial on the criminal case that you made

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1 the -- you testified that you made that decision?

2 MR. FITZGERALD: Objection to form.

3 He's already answered the question.

4 BY MR. VALOIS:

5 Q. You can answer. Do you recall --

6 A. I don't recall answering that
7 question, that I made the decision to take him to
8 the ground.

9 Q. So you don't remember whether you
10 said that at the jury trial or not?

11 A. No.

12 Q. He gets on the ground. You're trying
13 to put handcuffs on him; right? And he's squawking
14 and squawking and screaming; right? He's screaming
15 loudly for his mother; right?

16 A. Correct.

17 Q. And Shanta Brown is his mother;
18 right? Did you ascertain that on your own?

19 A. After the fact.

20 Q. Okay. And so when he ends up on the
21 ground, Shanta comes running out in between
22 the -- okay. Back up.

23 This apartment building has a front
24 door to the building that's very close to the
25 parking area?

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1 A. Correct.

2 Q. Is that right? And if you come out
3 of the front door of this building, you would be
4 facing Kemper Street?

5 A. Correct.

6 Q. And looking at the parking lot, and
7 the kid, the vehicle this kid was in would have
8 been you would have turned right when you came out
9 of the building, a few cars, one or two cars, and
10 that's where this parking spot was; right?

11 A. Correct.

12 Q. If you turn left out of this
13 building, there's an area behind other parked cars
14 with like rocks in it, like a little rocky area,
15 like a garden or a buffer zone or something; right?

16 A. I'm not sure if there's rocks there
17 or not. I know there's another parking lot to the
18 left.

19 Q. But there's an area right next to the
20 door on the left side that's also -- but it's
21 adjacent to the parking area too, but that's where
22 Shanta came running from with Grooms; right? Have
23 you seen the body cam video?

24 A. Yes.

25 Q. And that's where -- so while you and

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1 Miller, Zach Miller, are dealing with Terron
2 Pannell on the parking lot, right, Shanta Brown
3 comes running with Grooms, right, towards Terron
4 Pannell and towards where you are; right?

5 A. Yes.

6 Q. Okay. And then she -- and she's
7 screaming and Terron is screaming; right?

8 A. Correct.

9 Q. All right. And then Grooms gets her
10 and takes her back towards the door area; right?

11 A. I don't know what Grooms is doing
12 with her.

13 Q. Well, Grooms gets her away from you
14 anyway; right? You've seen, have you seen --

15 A. Yes, I've seen the --

16 Q. Do we need to play the video?

17 A. I've seen the body camera.

18 Q. Well, would you agree with that
19 statement, or do we need to refresh with that, that
20 Grooms assisted her in getting away from you guys?

21 A. Eventually, yes.

22 Q. Well, eventually, we're talking a
23 matter of a few seconds; right? We're not talking
24 five minutes or anything. We're talking a very few
25 seconds that Grooms has her headed back to that

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1 area by the door; right?

2 A. Correct.

3 Q. Okay. So then you say to Zach
4 Miller, "Put cuffs on them," meaning Shanta Brown
5 and Aquasha Sandidge; right?

6 A. Yes.

7 Q. Why did you -- why did you direct
8 Zach Miller to put cuffs on them?

9 A. To detain them, because at that
10 point, I believed that Ms. Brown had assaulted
11 Officer Miller and I, as well as obstructed with
12 the traffic stop.

13 Q. They assaulted you?

14 A. Yes.

15 Q. How did she assault you?

16 A. When we were dealing with Mr. Pannell
17 on the ground, she ran up. I felt a jolt, and when
18 I looked up, she was right there with Officer
19 Miller and I.

20 Q. But Grooms was right there too;
21 right?

22 A. Not between us, no.

23 Q. So was your purpose to arrest her at
24 that point, with the handcuffs, to place her under
25 arrest?

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1 A. My statement was to place them in
2 handcuffs.

3 Q. Right. But your purpose in making
4 that statement, was your purpose to effect an
5 arrest at that point?

6 A. At that point it was to gain control
7 of the situation.

8 Q. All right. And that left -- so Zach
9 Miller left his position with Pannell, leaving you
10 there by yourself?

11 A. Yes.

12 Q. And he went and dealt with Shanta and
13 Aquasha, and then Robbin Miller -- you wouldn't see
14 this, because you can't see what's happening on the
15 other side of the cars.

16 It's clear, it's clear from your
17 point of view, will you agree, that from where you
18 are on the ground in front of a bunch of cars, you
19 can't see what's happening on the other side of
20 this car?

21 A. I could see commotion.

22 Q. Yeah. But you couldn't see anything,
23 any particular incidents happening; right?

24 A. Correct.

25 Q. Okay. And you have Terron Pannell

1 there, right, on the ground? Who -- how does he
2 get from where -- can you run me through the
3 process of how he gets from the ground into a
4 police car?

5 A. We initially stood him up again.

6 Q. Who's "we"?

7 A. Or I stood him up.

8 Q. Uh-huh.

9 A. And then placed him back against a
10 police car with multiple officers there at this
11 time.

12 Q. Okay.

13 A. Again, I am not sure who searched
14 him. He eventually started flailing around a third
15 time. There was probably three or four officers
16 that took him to the ground, and then that was -- I
17 no longer had contact with Mr. Pannell at that
18 point.

19 Q. What are you doing?

20 A. I don't remember. I just remember I
21 initially stepped away, and then, after reviewing
22 my body camera, then I have my police K9 there.

23 Q. Is that the end of your participation
24 at the scene?

25 A. Yes.

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1 Q. All right. But you hung around the
2 scene until a supervisor came up; right?

3 A. Yes.

4 Q. And you told the supervisor at the
5 scene that you witnessed Mrs. Brown and her
6 daughter assault you and Miller?

7 A. Correct.

8 Q. But her daughter wasn't anywhere
9 around, it wasn't her daughter. It was Shanta, and
10 it was Officer Grooms who were near you when you
11 had Terron Pannell; Aquasha never got close to you?

12 A. Correct.

13 Q. So why would you say that you
14 witnessed her assault you? Why would you tell the
15 supervisor at the scene that you witnessed Aquasha
16 assaulting?

17 A. So based off of everything that I
18 could recollect at that point, just in my mind,
19 like I said before, it was a very chaotic scene.
20 So just in my mind, that's what I believe had taken
21 place. I was processing. I was trying to process
22 everything that had just taken place.

23 Q. Well, are you saying that your mind
24 is unreliable? I mean, why does it need processing
25 to say this happened or that happened?

1 MR. FITZGERALD: Object to form.

2 BY MR. VALOIS:

3 Q. I mean, if you're telling your
4 supervisor something happened that didn't happen,
5 why -- I mean, how does processing result in that
6 statement?

7 A. So I believed that I had been
8 assaulted, as well as Officer Miller had been
9 assaulted, at that point. So that's why I relayed
10 that information to my supervisor.

11 Q. And do you recall telling your
12 supervisor that Terron Pannell had just cursed at
13 you and had said that he -- don't fucking touch me,
14 and that he wasn't going to get out of the fucking
15 car? Do you recall using those words to describe
16 what you said Terron Pannell had told you?

17 A. Yes.

18 Q. You agree that the kid never said
19 anything like that?

20 A. He didn't use the F word. He didn't
21 say fucking.

22 Q. He didn't say I'm not getting out of
23 the car. He said, "Please don't touch me, sir.
24 I'm scared of you." Repeatedly.

25 Could we agree to that?

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1 A. Yes. He was screaming that.

2 Q. Yeah. And he never said anything
3 about he wasn't going to get out of the car. He
4 just said, "Please don't touch me. I'm scared.
5 I'm scared. I'm afraid. I fear for my life";
6 right?

7 A. Correct.

8 Q. Well, why would you make up to your
9 supervisor the statement that this young man is
10 cursing you when it's just not true?

11 MR. FITZGERALD: Object to form.

12 BY MR. VALOIS:

13 Q. Why would you do that?

14 A. Again, I was still processing
15 everything that had taken place.

16 Q. Well, you understand people's freedom
17 is on the line based upon what you do out there;
18 right? Do you understand that? I mean, do you
19 understand that what you do -- I mean, people's
20 lives are on the line based upon what you do. It's
21 not just your life that's on the line. It is, but
22 it's other people's lives too. I mean, do you get
23 that, how important it is to get things right?

24 MR. FITZGERALD: Object to form.

25 THE WITNESS: Yes.

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1 BY MR. VALOIS:

2 Q. You also told the supervisor at the
3 scene that you personally witnessed Robbin Miller
4 being assaulted. But that could -- that wasn't
5 possible from your vantage point, and you conceded
6 that at trial. We have the -- I mean, we have the
7 transcript. We can get the audio recording of your
8 testimony at trial and put it up here.

9 But do you concede that at trial, you
10 admitted you never saw that?

11 A. Correct. I could only see the
12 commotion.

13 Q. Why would you tell your supervisor
14 you witnessed an assault if you didn't witness an
15 assault? Same thing.

16 MR. FITZGERALD: Object to form.

17 BY MR. VALOIS:

18 Q. I mean, do you understand this
19 results in actual, real charges on real people and
20 real restrictions on people's liberty, that these
21 statements, they have real effects on people?

22 MR. FITZGERALD: Object to form.

23 BY MR. VALOIS:

24 Q. Do you get that?

25 A. Yes.

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1 Q. I mean, you recall an incident, you
2 recall an incident involving Calvin Wesley; right?
3 When, in March of 2021, there was an incident on
4 Grace Street with your dog Knox; right? Remember
5 that?

6 A. Yes.

7 Q. All right. And the dog, the dog tore
8 up, or bit into Calvin's buttocks and leg, causing
9 him some pretty severe injuries.

10 Remember that?

11 A. Yes.

12 Q. All right. You remember telling your
13 supervisor at the time, on the dispatch, actually
14 on the body cam, that Calvin had assaulted several
15 officers?

16 A. Correct.

17 Q. And then just one minute later,
18 Officer Bauserman shows up and you're like, "Well,
19 I don't know about the other officers, but he got
20 me"?

21 A. Correct.

22 Q. How can your tune change like that?
23 How can you go from reporting multiple assaults on
24 multiple officers and in one minute flip it around
25 to you don't know about other officers like that?

1 How can that happen?

2 A. Again, I was still trying to process
3 a high stress scene.

4 Q. Yeah, but you understand that that
5 processing, I mean, it changed -- this is -- these
6 are things that result in really serious
7 detrimental effects to real people in their lives,
8 you being wrong in your processing results in
9 somebody going to jail?

10 MR. FITZGERALD: Object to form.

11 BY MR. VALOIS:

12 Q. Do you understand that?

13 A. Yes.

14 Q. And, in fact, Calvin Wesley was
15 charged with assault, and it was nolle prossed;
16 right, dismissed, because he didn't assault
17 anybody? It's on video. We have the body cam
18 video. I mean, these, these are these serious,
19 serious things.

20 Can you explain all of these
21 different contradictory statements that you're
22 making to all these people, besides processing?
23 Can you elaborate on what you mean by processing?

24 A. Just taking time to recollect all the
25 different events that have taken place.

1 Q. Well, how does that recollection,
2 that processing time, always put the people in a
3 worse light?

4 MR. FITZGERALD: Object to form.

5 BY MR. VALOIS:

6 Q. Why does it never seem to put people
7 in a better light?

8 MR. FITZGERALD: Object to form.

9 BY MR. VALOIS:

10 Q. I mean, how do you deal with
11 the -- let me rephrase this; okay? How do you take
12 a kid who's obviously obnoxiously running off at
13 the mouth, a little punk kid, okay, who's being a
14 little twit in his car, screaming and yelling,
15 mama's boy, clearly, okay, running off at the
16 mouth.

17 But how do you turn him into being
18 an -- a rude, cursing person who's openly defiant
19 and disrespectful? How do you take a kid who's
20 saying, "I'm scared of you. Please, sir. Please,
21 sir," calling you by the name sir and turn him into
22 don't you fucking do this and fucking do that. How
23 does processing do that?

24 MR. FITZGERALD: Object to form.

25 THE WITNESS: It was just a tense

1 situation traffic stop.

2 BY MR. VALOIS:

3 Q. I understand it's a tense -- my
4 question to you is, you have a tense job. You
5 signed up for a tense job. Look at your arm. I
6 don't know how that happened, but eventually it's
7 going to happen to you on the job one day. The
8 odds are not good.

9 You've signed up for a really hard
10 job. I would never do it, couldn't do it. And we
11 need to have people who, like you, who are willing
12 to do it. But you understand it comes with a very
13 high responsibility.

14 Do you get that?

15 A. Yes.

16 Q. I mean, and you're taking -- you're
17 taking what these people are doing and you're
18 exaggerating it to make these people look worse to
19 your leadership than they are. You're taking a
20 little punk, obnoxious young kid, and you're
21 turning him to be a disrespectful little thug, and
22 he's just not. He's just a punk kid.

23 Do you see that? I mean, can you see
24 how that effect happens?

25 MR. FITZGERALD: Object to form.

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1 THE WITNESS: Yes.

2 BY MR. VALOIS:

3 Q. Now, at the scene, after Shanta
4 Brown, you guys are sitting around talking to each
5 other and you go up to -- there's a scene in your
6 body cam video -- well, it's actually in Zach
7 Miller's body cam video, where you go up to him and
8 say, "Are you still recording? Are you still on?"
9 Right. And he turns his recorder off.

10 What's the point in asking an officer
11 to turn off the recording? Why would you do that
12 in the middle of an active scene like that?

13 MR. FITZGERALD: Object to form.

14 THE WITNESS: So I could speak with
15 him.

16 BY MR. VALOIS:

17 Q. But why? Why would you not want to
18 speak with him on camera? Why would you want to
19 speak with him off camera?

20 A. I'm not sure what the circumstances
21 were then.

22 Q. Okay. Well, I'm not trying -- I'm,
23 in this case, I'm not trying to -- to be fair,
24 there are circumstances under which you would not
25 want to be recorded, a lot. Relaying highly

1 personal information about a colleague or
2 something; right?

3 I mean, things that are not pertinent
4 to the -- to the investigation. I mean, I'm sure
5 there are a million reasons not to record. I'm not
6 asking whether there was any wrongdoing associated
7 with that particular request.

8 What I'm asking is if you remember
9 your reason for, at that particular time, asking to
10 go off?

11 A. I do not.

12 Q. Okay. But you have been counseled
13 about your use of body worn cameras?

14 A. Correct.

15 Q. What were the circumstances there?

16 A. Having my body camera in sleep mode
17 or having my in-car camera not synced up to my
18 microphone.

19 Q. None of that's related to this
20 incident?

21 A. No.

22 Q. This incident went from being a
23 traffic stop for a missing tag, which was
24 ultimately found in the back of the car after the
25 search of the car, this went from being a missing

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1 tag thing to a melee near riot situation.

2 Is that a fair statement?

3 A. Yes. It was very chaotic.

4 Q. Yeah. I mean, in hindsight, is there
5 anything that you would have done differently?

6 A. No.

7 Q. Is there anything that anybody in the
8 police force should have done differently?

9 A. I don't believe so, no.

10 Q. Did everything you do, or did that
11 night, did it comport with your training?

12 A. Yes.

13 Q. Did anything you do that night
14 deviate from Lynchburg's policies?

15 A. I don't believe so.

16 Q. Is it official policy, was it
17 official policy to ask passengers out of the
18 vehicle every time you conduct a free-air sniff?

19 A. You're asking if it's policy?

20 Q. Yes.

21 A. I can't point to an exact policy, no.

22 Q. Do you ever conduct dog sniffs with
23 occupied vehicles?

24 A. No.

25 Q. Never?

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1 A. No.

2 Q. So you always do it?

3 A. Correct.

4 Q. Are you instructed to do it that way?

5 A. Yes.

6 Q. Who instructed you to do it that way?

7 A. We're taught that way in basic

8 school, basic K9 school.

9 Q. Basic K9 school, where is that?

10 Where is that school located?

11 A. We have a master trainer that comes
12 in and teaches that.

13 Q. Who is that master trainer?

14 A. Harold Bennett.

15 Q. Does he teach all of the dog handlers
16 here in Lynchburg?

17 A. He is our master trainer, so some
18 handlers have gone to school other places. Some of
19 us have gone to school here. It just depends on
20 his schedule and availability whether or not he can
21 run a school.

22 Q. Does he have a business that he works
23 for? Is it just him?

24 A. Yes.

25 Q. What's the business?

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1 A. I believe it's called Bennett K9.

2 Q. Is it local?

3 A. He lives out of Chesapeake.

4 Q. So you responded to the magistrate
5 and gave testimony in front of the magistrate; is
6 that right?

7 A. Yes.

8 Q. Okay. Did you testify in all three
9 defendants?

10 A. No.

11 Q. Only Terron and Shanta; right?

12 A. Correct.

13 Q. So you did not pursue any charge
14 against Aquasha?

15 A. Correct.

16 Q. Why did you elect -- when you
17 reported that you were assaulted by both of them,
18 why did you elect to only take charges out against
19 Shanta?

20 MR. FITZGERALD: Object to form.

21 THE WITNESS: Again, after I had a
22 few minutes to process everything, based off my
23 recollection, I knew that Ms. Brown had assaulted
24 me and Officer Miller.

25

1 BY MR. VALOIS:

2 Q. All right. And you witnessed that
3 assault on the video, on the --

4 MR. VALOIS: Can you let me see that
5 computer real quick? I'll tell you what, why don't
6 we take a another 10-minute break, and then I'll
7 have a video to play for a few minutes, and then I
8 think I'll be done.

9 THE WITNESS: Okay.

10 (Recess.)

11 BY MR. VALOIS:

12 Q. All right. So Officer Reed, over the
13 break, I presented you with a snippet of a video
14 from, it looks like, another officer's body cam.
15 Honestly, I don't know the source. Okay.

16 But it depicts, it depicts the
17 incident in which Shanta Brown came out from the
18 front of the building between the cars towards you
19 and Officer Zachary Miller while you were trying to
20 control Terron Pannell in the parking lot; is that
21 right?

22 A. Yes.

23 Q. All right. And you've paused this at
24 approximately four seconds into the snippet video,
25 which shows Shanta, she's wearing a tank top, and

1 it looks like shorts, and she's approached you, and
2 that is the incident where you allege you were
3 assaulted; right?

4 A. Correct.

5 Q. But we can agree, can't we, that this
6 whole -- this whole contact was -- well, to the
7 extent there was any contact, it was de minimis.
8 It was very brief contact. I mean, we're talking
9 the whole, the whole video only lasts
10 four-and-a-half -- we got the four seconds.

11 (Video playing.)

12 BY MR. VALOIS:

13 Q. By five seconds, she's back at the
14 cars again being redirected. I mean, she's only
15 there for a brief instant.

16 Can we agree to that?

17 A. Correct.

18 Q. Okay. She's not armed, you weren't
19 aware that she's armed anyway; right?

20 A. Correct.

21 Q. And she's not using her fist or
22 anything? I mean, you can see her hands; right?

23 A. I was dealing with the suspect.
24 Watching the video, correct.

25 Q. Okay. But you didn't see -- you

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1 didn't see any of this yourself then?

2 A. Correct.

3 Q. Okay. But from this video, does she
4 hit you? Are you alleging she hits you?

5 A. I felt a jolt when I was dealing with
6 the suspect.

7 Q. You don't know where that jolt came
8 from?

9 A. Correct.

10 MR. VALOIS: Okay. All right. I
11 think we're good. I was -- I'm not going to bother
12 offering this snippet into -- I'm not going to
13 offer it into evidence. I didn't even bring a
14 thumb drive yet, but I will. You should already
15 have this.

16 MR. FITZGERALD: Not the snippet, but
17 the full video.

18 MR. VALOIS: Yeah. Well, I could
19 give you the snippet. I'll give you that, too, and
20 I think we're --

21 MR. FITZGERALD: Unless it
22 was -- have you guys answered the interrogatories?
23 Did you produce it in that?

24 MR. VALOIS: We're working on the
25 interrogatories now.

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1 MR. FITZGERALD: Okay.

2 MR. VALOIS: Right. And we're --

3 MS. VALOIS: I'm working on the
4 interrogatories.

5 MR. VALOIS: The hardest -- off the
6 record. Oh, on the record. No further questions.
7 Do you have any redirect?

8 MR. FITZGERALD: No.

9 MR. VALOIS: Right. So you're free
10 to go.

11 (Deposition concluded at 1:06 p.m.)

12 (Reading and signature waived.)

13 *****

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, KIMBERLY A. HENDERSON, a
3 Registered Professional Reporter and Electronic
4 Notary Public in and for the Commonwealth of
5 Virginia at Large, Notary Registration Number
6 359658, whose commission expires November 30, 2025,
7 do certify that the aforementioned appeared before
8 me, was sworn by me, and was thereupon examined by
9 counsel; and that the foregoing is a true, correct,
10 and full transcript of the testimony adduced to the
11 best of my ability.

12 I further certify that I am neither
13 related to nor associated with any counsel or party
14 to this proceeding, nor otherwise interested in the
15 event thereof.

16 Given under my hand and Notarial seal
17 at Forest, Virginia, this 19th day of November,
18 2024.

19
20
21 

22 Kimberly A. Henderson, Notary Public
23 Commonwealth of Virginia at Large
24
25

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